

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GARY C. FITZPATRICK, SR., on behalf of himself and others similarly situated,)	
)	CASE NO. 1:17-cv-01235
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
vs.)	
)	
CUYAHOGA COUNTY,)	
)	
Defendant.)	
)	

**ORDER APPROVING SETTLEMENT
AND DISMISSAL WITH PREJUDICE**

After a review of the Settlement Agreement and Release of Claims (the “Settlement Agreement”), the Court is satisfied that the settlement reached is a “fair and reasonable resolution of a bona fide dispute” under the Fair Labor Standards Act. *See e.g., Dillworth, et al. v. Case Farms Processing, Inc.*, No. 5:08-cv-1694, 2010 WL 776933, at *9 (N.D. Ohio Mar. 8, 2010); *see also Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350 (11th Cir. 1982); 29 U.S.C. § 216.

ACCORDINGLY, it is hereby ORDERED AND ADJUDGED as follows:

1. The Settlement Agreement between named plaintiff Gary C. Fitzpatrick (“Named Plaintiff”), on behalf of himself, and the 551 plaintiffs who filed consent forms in this collective action, (collectively, “Opt-in Plaintiffs”), and Cuyahoga County (the “County”), is APPROVED, including, but not limited to, the formula for distribution of settlement payments; the payment of the service award; and attorneys’ fees and costs to Plaintiffs’ counsel, Nilges Draher LLC.
2. The form of the Notice of Claim and Releases to be executed by each Named Plaintiff and

Opt-In Plaintiffs is APPROVED.

3. The Court DISMISSES WITH PREJUDICE the Named Plaintiff and Opt-In Plaintiffs.
4. The Court further DISMISSES WITH PREJUDICE this action and all claims that were raised or that could have been raised in this action.
5. The Court appoints Atticus Administration LLC as the Claims Administrator.
6. All Opt-in Plaintiffs and Named Plaintiffs will receive their settlement payments in exchange for timely executing all documents as set forth in the Settlement Agreement.
7. The parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.
8. Without affecting the finality of this Final Order Approving the Settlement and Dismissing this Action with Prejudice in any way, the Court retains continuing and exclusive jurisdiction over this action for purposes of resolving issues relating to administration, implementation, and enforcement of the Settlement Agreement.

IT IS SO ORDERED this 26th day of September, 2018

/s/ Solomon Oliver, Jr.

Solomon Oliver, Jr.
United States District Judge